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| 20985 7590 02/13/2007 FISH & RICHARDSON, PC P.O. BOX 1022 MINNEAPOLIS, MN 55440-1022 | | | EXAMINER PATEL, ASHOKKUMAR B | |
| | | | ART UNIT 2154 | PAPER NUMBER |
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Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|-----------------------------------------------------------------------|-------------------------------|------------------------------------|--|
| Advisory Action Before the Filing of an Appeal Brief | Application No. 09/843,170 | Applicant(s) PONTOPPIDAN ET AL. | |
| | Examiner Ashok B. Patel | Art Unit 2154 | |

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 26 January 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than **TWO MONTHS** from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). **ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).**

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

Continuation Sheet:

A. The reply dated 1/26/2007 has been entered.

B. *Response to Arguments*

Applicant's arguments filed in this response after Final Office Action dated 11/29/2006 have been fully considered but they are not persuasive for the following reasons:

Applicant's argument: Claim 1

"Barnes does not describe or suggest a device manager resident on a gateway for managing the call center 102 using the remote control transceiver 118."

"Therefore, Barnes does not describe, "receiving a response from the WAP device manager," as recited in claim 1."

"Barnes does not describe or suggest introducing a device manager for the interactions between the remote control transceiver 118 and the call center 102. Thus, Barnes does not describe a device manager as recited in claim 1. Since Barnes does not describe a device manager resident on a gateway as claimed, the reliance on Barnes to teach a device manager resident on a gateway in the suggested combination of Barnes and Lee is improper."

"Such an incorporation would render Barnes unsatisfactory for its intended purpose which is impermissible."

"In Lee, the WAP gateway (51) is not configured to manage a server. In contrast, Lee describes directing requests in virtual directories to components that serve the correct markup language. Lee does not describe or suggest managing the WebServer

Art Unit: 2154

(61) using WAP gateway (51) based on requests received from WAP phone (41). See, e.g., Lee, Fig. 3.”

“Incorporating Lee’s WAP gateway (51) into Barnes would not allow managing the call center 102 using the remote control transceiver 118.”

“Since the reliance on Barnes is improper and since the suggested combination of [Barnes and Lee, as suggested by the Office Action, is improper, it is respectfully requested that the rejection of claim I over the suggested combination of Barnes and Lee under 35 USC 103(a) be withdrawn.”

Examiner’s response:

a. First, Examiner would like to present the facts taught by Barnes as follows.

Barnes’s Abstract: The transceiver enables supervisors to remotely monitor the call center/network status, reconfigure and react to changes and exceptions on a real time basis no matter where they are located. A supervisor using the remote transceiver may transmit on the uplink to the call center a request for data, or commands for adjustment of the operation, such as rerouting of calls or direction to increase agents. The call center supervisor may therefore not just observe but supervise and adjust the operation of a call center, from within the site, across the country or internationally using network-enabled cellular or other wireless technology.”

Art Unit: 2154

Please note that the Transceiver indicated above is element 118 of Fig.1, which is shown in details in Fig. 3, and this transceiver is, as stated in col. 4, line 6-19, "As illustrated in FIG. 3, the remote control transceiver 118 may be or include, for example, a personal digital assistant (PDA) such as a 3COM Palm.TM. Series equipped either internally or externally with a wireless interface, including RF radiating element 134. The remote control transceiver 118 may likewise be or include a notebook computer equipped with a wireless network interface such as a PC Slot wireless card or AirPort.TM. interface, a Web browser-enabled digital cellular telephone such as the Qualcomm Smart Phone.TM., or other wireless mobile devices. Encryption of the over-the-air data may be provided by the wireless network server 136 or one or more native applications running on the remote control transceiver 118."

Thus, the device manager, network server 136 including "native applications" of Barnes describes a device manager resident on a network server 136 for managing the call center 102 using the remote control transceiver 118", wherein "A supervisor using the remote transceiver may transmit on the uplink to the call center a request for data, or commands for adjustment of the operation, such as rerouting of calls or direction to increase agents. The call center supervisor may therefore not just observe but supervise and adjust the operation of a call center, from within the site, across the country or internationally using network-enabled cellular or other wireless technology."

Art Unit: 2154

Thus, Barnes does describe sending "a request for data", therefore, Barnes describe "receiving a response from the device manager," as recited in claim 1, and Barnes does describe or suggest introducing a device manager for the interactions between the remote control transceiver 118 and the call center 102.

Additionally, , Barnes teaches , as stated above, at col. 4, line 6-19, "As illustrated in FIG. 3, the remote control transceiver 118 may be or include, **a Web browser-enabled digital cellular telephone such as the Qualcomm Smart Phone.TM., or other wireless mobile devices.** ", and most importantly, **Encryption of the over-the-air data may be provided by the wireless network server 136 or one or more native applications running on the remote control transceiver 118.**"

Also Barnes teaches, at col. 3, line 1-12, **Communications trunk 106** may also be or include as a segment any one or more of, for instance, the Internet, a DSL (Digital Subscriber Line) connection, an ISDN (Integrated Services Digital Network) line, a dial-up port such as a V.90, V.34 or V.34bis analog modem connection, or a cable modem connection. Communications trunk 106 for further example may be or include as a segment any one or more of wireless interfaces such as a GSM (Global System for Mobile Communication) cellular link, a CDMA (Code Division Multiple Access) or TDMA (Time Division Multiple Access) or other wired or **wireless, digital** or analog interfaces or connections.

Art Unit: 2154

Thus, Barnes teaches everything that one with the ordinary skills in the art has to know about wirelessly managing network devices except WAP (Wireless Application Protocol) which is a wireless "link", same as other cellular "links" indicated above.

b. Second, it is Lee that teaches WAP (Wireless Application Protocol) link that can be implemented through WAP gateway as taught at Fig. 2 and col. 2, line 25-45. An example WAP-compliant network is shown in FIG. 2, denominated "Prior Art." In the example, the WAP client, 12, communicates with a web server, 14, through a WAP gateway, 15. The WAP gateway, 15, translates WAP requests, 22, to WWW requests, 23, thereby allowing the WAP client, 12, to submit requests, 22, to the web server, 14. The gateway, 15, also encodes the responses, 33, from the web server, 14, into the compact binary format, 32, understood by the client, 12. If the web server, 14, provides WAP content (e.g., WML), the WAP gateway, 15, retrieves it directly from the web server, 14. However, if the web server, 14, provides WWW content (such as HTML), a filter is used to translate the WWW content, 33, into WAP content, 32. For example, the HTML filter would translate HTML into WML. The Wireless Telephony Application (WTA) server is an example origin or gateway server that responds to requests from the WAP client directly. The WTA server is used to provide WAP access to features of the wireless network provider's telecommunications infrastructure.", and at line 55-60 of the same column, "WAP browsers understand the wireless mark-up language or WML as specified by the Wireless Application Protocol. WML is used to create the user interface that is rendered on the browser. WML is an extension of the extensible mark-up

Art Unit: 2154

language or XML (the successor to HTML) and was developed specifically for wireless devices." (Note: Thus WAP can be implemented on the gateway and so does on the elements incorporated by the gateway.)

Therefore it would have been an obvious to one of an ordinary skill in art, having the teachings of Barnes and Lee in front of him at the time of invention was made, to have Lee's gateway functionalities including WAP be incorporated into Barnes gateway as identified above, such that the responses can be coded and translated into WML as WAP browsers understand the wireless mark-up language. This would have been also obvious because Barnes remote control transceiver 118 may be a personal digital assistant (PDA) such as a 3COM Palm.TM., a notebook computer equipped with a wireless network interface, a Web browser-enabled digital cellular telephone such as the Qualcomm Smart Phone.TM., or other wireless mobile devices, and as Barnes suggests, Encryption of the over-the-air data may be provided by the wireless network server 136, can be provided by the Lee's gateway as an encoding of the responses.

Thus, "Incorporating Lee's WAP gateway (51) into Barnes will allow managing the call center 102 using the remote control transceiver 118.", and "the reliance on Barnes is proper and the suggested combination of Barnes and Lee, as suggested by the Office Action, is proper."

Applicant's argument: Claim 7

Art Unit: 2154

"The reliance on Jorgensen as a reference is improper because Jorgensen is non-analogous art."

"Therefore, Jorgensen is non-analogous art and the suggested combination of Jorgensen with Barnes and Lee is improper."

Examiner's response:

Jorgensen teaches at para.[0634] and [0635], "System OAM&P component 1108 includes SNMP proxy client for WAP module 1108a, SNMP proxy clients for CPE module 1108b, and system operations, administration, management and provisioning module 1108c. The OAM&P component 1108 allows remote service personnel and equipment to monitor, control, service, modify and repair the system."

In response to applicant's argument that Jorgensen is nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, Jorgensen teaches, as stated above, simple network management protocol requests to the device based on wireless markup language requests received from the terminal; sending, from a wireless application protocol, wireless markup language responses to the terminal based on simple network management protocol responses received from the device.

Therefore, Jorgensen is analogous art and the suggested combination of Jorgensen with Barnes and Lee is proper.

Please refer to above responses for claims 1 and 7 for the responses of the arguments presented for claims 14, 17 and 20.